THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2907 Session of 2020

INTRODUCED BY BOBACK, BROOKS, BARRAR, HELM, MILLARD AND MENTZER, OCTOBER 2, 2020

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 2, 2020

AN ACT
Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, providing for health care provider civil immunity during disaster emergency.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 8332.9. Health care provider civil immunity during disaster emergency.

(a) Civil immunity.--

(1) A health care provider who responds to a disaster by providing health care to a person injured by the disaster shall not be liable for civil damages due to an injury or a wrongful death arising from the abandonment of providing such health care if all of the following apply:

(i) A disaster emergency under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor) or a local disaster emergency under 35 Pa.C.S. § 7501(b) (relating
to general authority of political subdivisions) has been
or is subsequently declared by the Governor or the
governing body of a political subdivision.

(ii) The health care provider was unable to provide
the requisite health care to the person as a result of
the health care provider's voluntary or mandatory
response to the disaster.

(2) A health care provider who responds to a disaster
shall not be liable for civil damages due to an injury or a
wrongful death arising from the delivery or withholding of a
health care to a person if all the following apply:

(i) A disaster emergency under 35 Pa.C.S. § 7301(c)
or a local disaster emergency under 35 Pa.C.S. § 7501(b)
has been or is subsequently declared by the Governor or
the governing body of a political subdivision.

(ii) The conditions of the disaster cause a lack of
resources rendering the health care provider unable to
provide the level or manner of health care that would
otherwise have been required in the absence of the
disaster and resulted in the injury or wrongful death.

(b) Exception.--The civil immunity provided under subsection
(a) shall not apply to any act or omission intentionally
designed to harm or any grossly negligent acts or omissions
which result in harm to a person.

(c) Applicability.--This section shall apply to the COVID-19
disaster emergency.

(d) Definition.--As used in this section, the term "COVID-19
disaster emergency" means the proclamation of disaster emergency
issued by the Governor on March 6, 2020, published at 50 Pa.B.
1644 (March 21, 2020) and any renewal of the state of disaster
emergency.

Section 2. This act shall take effect immediately.